

Notice of Allowability

Application No.

09/965,218

Examiner

Jean M. Corrielus

Applicant(s)

WAGENER ET AL.

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the terminal disclaimer filed on August 1, 2005.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 16 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEAN M. CORRIELUS
PRIMARY EXAMINER

DETAILED ACTION

1. This office action is in response to the request for reconsideration and terminal disclaimer filed on August 01, 2005, in which claims 1-26 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed August 1, 2005, with respect to the rejection of claims 1-26 have been fully considered and are persuasive. The double patenting rejection of claims 1-26 has been withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul E. Kudirka (Reg. No. 26,931) on August 10, 2005.

The application has been amended as follows:

In the claim:

In claim 1 line 7, please delete "that can be called", insert --are called--, line 9, delete "that", insert --, wherein management façade software--, line 13 please delete "running, in the host, a federated bean that" insert --running, in the host computer system, a federated bean, wherein said federated bean--.

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In claim 6, line 2, after “the host”, please insert –computer system--, line 3 please delete “displayed in a uniform manner”.

In claim 7, line 4, please delete “in a uniform manner”, insert --uniformly--.

In claim 13, line 7 please delete “that can be called”, insert--are called--,
line 5, please delete “that”, line 9 delete “that” insert --, wherein said management façade
software--, line 13 please delete “a federated bean in the host that” insert --a federated bean in
the host computer system, wherein said federated bean--, line 16 please delete “that”.

In claim 23, line 8, please delete “that can be called”, insert –are called--, lines 10, 14 and 17,
please delete “that”.

Claim 26, line 8, please delete “that can be called”, insert –are called--, lines 10, 14 and 17,
please delete “that”.

Allowable Subject Matter

4. Claims 1-26 are allowable in light of the examiner's amendment, in the light prior art made of record and in light of the Applicant's arguments.

Reasons for Indicating Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance: Upon searching a variety of databases, the examiner respectfully submits that –management façade software receives calls to platform independent methods and generates at least one API method call to the interface layer in order to execute the platform independent method calls and federated bean program code discovers data volumes in the storage device and generates platform independent method calls to the management façade to control the interface via the plurality of API methods—in conjunction with all other limitations of the dependent and independent claims not taught nor suggested by the prior art of record (PTO-892 and 1449). Therefore, all pending claims 1-26 is hereby allowed.

6. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action, **only if formal drawings have not yet submitted**. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

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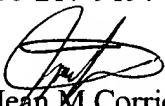
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032.

The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean M Corrielus
Primary Examiner
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August 9, 2005